

REMARKS

Claims 46-59 and 63-77 are pending. Claims 60-62, 78 and 79 were previously withdrawn from consideration. No claim is amended. No claim is currently cancelled. Claims 1-45 were previously cancelled.

Claims 46-59 and 63-77 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action notes that in a previous Office Action response, Applicants defined "printable colors" as depending on the mechanical limitations of a printer, and may refer to either the number of available inks (and printing medium color) or alternatively refer to the a number of visually discernable colors obtained by combining the number of available ink and medium colors into pixels defined by multiple printable dots. Applicants contacted Examiner Kang since it was not understood what part of the above definition was not clear. Examiner Kang explained that the term "printable color" was clear, but that the rejection was actually directed to the term "color", in general. It was explained that claim 46, for example, recites a first number of printable colors, a source data having a second number of colors, and "a predefined intermediate number of colors." Examiner Kang suggested that the "predefined intermediate number of colors" was indefinite because it was not clear if it referred to pure colors, color gradients, or mixtures of pure colors.

More specifically, the Office Action notes that the Prior Art section of the present Application declares, it "will also be noted that "color reduction" is used herein to mean reducing color depth or to convert an image to a gray scale or halftone image". However, Applicants respectfully point out that neither claim 46 nor 63, nor any pending claim recite the term "color reduction". Thus, the relevance of the above-cited definition as applied to the present claim language is not clear.

The Office Action also notes that, the present application explains that color assignment is made easier by first reducing the number of colors of an original image to "a specific number". Particularly, the Office Action states that,

"More specifically, color selection or assignment is extremely difficult with a full color image, but color selection or assignment is relatively simple if it is based on an image first reduced to only eight colors, for example." Figures 17(a) and (b) show the user interface for the second conversion from the "intermediate number of colors" (8) to another number of colors (15 and 3, respectively). The 8 colors are: R, G, B, C, M, Y, K, and white.

It is stated in paragraph 0049, "More specifically, color selection or assignment is extremely difficult with a full color image, but color selection or assignment is relatively simple if it is based on an image first reduced to only eight colors," and the examiner assumes for the purposes of this rejection that the reduction to the intermediate (8) colors is a reduction to 8 "pure" colors, i.e., pure white, black, cyan, magenta, etc. etc., with no mixtures".

Applicants respectfully note that both claims 46 and 63 define the "predefined intermediate number of colors" as being less than the "second number of colors" constituted by the source data. The exact value of the "predefined intermediate number of colors" or its constitution (i.e. "pure color" or "pure color" mixtures) is irrelevant to the claim language. It suffices that the "predefined intermediate number of colors" be smaller than the "second number of colors", irrespective of how the "second number of colors" is defined. Indeed, even in the example provided by the Office Action, given above, "pure" colors are listed as including cyan, magenta, etc. As it is known in the art, there are only three primary colors, and secondary, tertiary, etc. colors are a mixture of primary colors. Basically, the colors cyan, magenta, etc. are themselves mixtures of primary colors. All that is required is that the "predefined intermediate number of colors" be smaller than the "second number of colors", irrespective of how "colors" in the intermediate and second number of colors are defined. Applicants respectfully invite the Examiner to suggest alternative wording for "colors" that he may deem more descriptive.

However, the Office Action is correct in assuming that in the example of Fig. 17, the original source data is redefined as a combination of the eight colors listed. Thus, the Office Action is correct in assuming that the eight colors of Fig. 17 may constitute the "predefined intermediate number of colors", and the assigning of printable colors to the eight colors is in accordance with the present invention.

Claims 46, 54, 63, and 71 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 5 of U.S. Pat. No. 7,085,006. Claims 55-57 and 71-74 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 6 of U.S. Pat. No. 7,085,006. Claims 58, 59, 75, and 76 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 5 of U.S. Pat. No. 7,085,006 in view of Frendlund (U.S. Pat. 5,666,215).

Applicants hereby submit herewith a Terminal Disclaimer disclaiming the terminal part if any, of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Pat. No. 7,085,006.

It is believed that the presently submitted Terminal Disclaimer removes any rejections based on nonstatutory obviousness-type double patenting. Applicants thus believe that claims 46, 54-59, 63, and 71-76 are now in condition for allowance.

Claims 49-53 and 66-70 would be allowable if rewritten in independent form. Applicants thank the Examiner, but it is believed that claims 49-53, which depend from claim 46, are now in condition for allowance based at least on the allowability of their base claim 46. Similarly, claims 66-70 are believed to be in condition for allowance based at least on the allowability of their base claim 63.

Lastly, Applicants respectfully point out that claim 77 is currently pending, but its status is not declared in the current Office Action. Since no rejections are listed for claim 77, Applicants assume that claim 77 is currently allowed.

This Response After Final Rejection is believed to place this application in condition for allowance and its entry is therefore believed proper Under 37 CFR §1.116. At the very least, however, it is believed that the formal rejection has been overcome. Accordingly, entry of this Response After Final Rejection, as an earnest attempt to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, he is respectfully requested to contact applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

Respectfully submitted,

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